

PATENT APPLICATION

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*1772*

PATENT AND TRADEMARK OFFICE

BEFORE THE HONORABLE BOARD OF PATENT APPEALS AND INTERFERENCES

In re the Application of

On Appeal from Group: 1772

Tadashi KURIYAMA et al.

Application No.: 09/555,578

Examiner: B. Egan

Filed: July 26, 2000

Docket No.: 106336

For: TACK LABELS AND PLASTIC CONTAINERS WITH SUCH TACK LABELS

APPEAL BRIEF TRANSMITTAL

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Attached hereto is our Brief on Appeal in the above-identified application.

Also attached hereto is our Check No. 163725 in the amount of Five Hundred Dollars (\$500.00) in payment of the Brief fee under 37 C.F.R. 1.17(c). In the event of any underpayment or overpayment, please debit or credit our Deposit Account No. 15-0461 as needed in order to effect proper filing of this Brief.

For the convenience of the Finance Division, two additional copies of this transmittal letter are attached.

Respectfully submitted,

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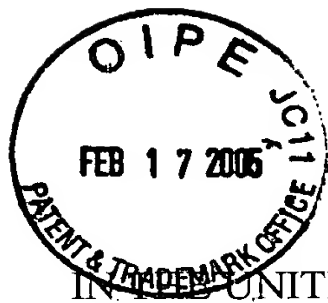
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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BRIEF ON APPEAL

Appeal from Group 1772

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Application No. 09/555,578

I. REAL PARTY IN INTEREST

The real party in interest for this appeal and the present application is Yoshino Kogyosho Co., Ltd., by way of an Assignment recorded in the U.S. Patent and Trademark Office at Reel 010983, Frame 0579.

II. STATEMENT OF RELATED APPEALS AND INTERFERENCES

There are no prior or pending appeals, interferences or judicial proceedings, known to Appellant, Appellant's representative, or the Assignee, that may be related to, or which will directly affect or be directly affected by or have a bearing upon the Board's decision in the pending appeal.

III. STATUS OF CLAIMS

Claims 1, 2, 6-8 and 12 are on appeal.

Claims 1, 2, 6-8 and 12 are pending.

No claims are allowed.

Claims 1, 2, 6-8 and 12 are rejected.

Claims 3-5 and 9-11 have been canceled.

IV. STATUS OF AMENDMENTS

No reply to the After Final Rejection mailed on October 27, 2004 has been filed.

V. SUMMARY OF CLAIMED SUBJECT MATTER

The claims relate to a tack label stuck via an adhesive layer on a surface of a polyester bottle and a plastic container with such a tack label stuck thereto (page 1, lines 6-8). The tack label is designed such that the tack label may be removed easily from the plastic container when the plastic container is recycled (page 1, lines 8-10). The tack label comprises a label base material, a printing layer formed on a first surface of the label base material, an adhesive layer (which comprises a hot water-soluble adhesive which is substantially insoluble in water at a normal temperature and readily soluble in hot water) formed on a second surface which opposes the first surface of the label base material, and a non-adhesive masking layer formed in a central part of the adhesive layer, so that the adhesive layer has a ring-shaped adhesive area, and formed at only a part of an edge of the adhesive area (claims 1 and 8).

Labels should have excellent adhesivity as well as a contradictory characteristic of being able to be peeled (removed) easily after the contents are consumed (page 1, lines 20-25). The tack label is thus designed such that the tack label is difficult to peel from a container while washing the container using water that is at a normal temperature, while allowing the tack label to be easily peeled from the container when the tack label is exposed to hot water (page 1, lines 2-18). A tack label that is easy to peel from a container during a regenerating process while not peeling from the container in a washing process can be obtained by using an adhesive layer that comprises a hot water-soluble adhesive which is substantially insoluble in water at a normal temperature and readily soluble in hot water (page 3, line 36 - page 4, line 28).

When a non-adhesive masking layer is formed in a central part of the adhesive layer (resulting in a ring-shaped adhesive area), only the edge of the adhesive layer contacts water in the washing process (page 5, lines 19-27). This improves the peeling property in the regeneration process while maintaining excellent adhesiveness between the container and the

tack label (page 7, lines 13-16). By providing a non-adhesive masking layer to only a part of an edge of the adhesive area, a consumer can peel the tack label easily from the container by peeling the edge portion by hand after using the contents contained therein (page 5, line 28 - page 6, line 6).

Figs. 2 and 3 illustrate a tack label encompassed by claims 1 and 8. The tack label 1 includes a label base material 2, a printing layer 3 on a first surface of the label base material 2 (i.e., top of label base material 2 as shown in Fig. 3), an adhesive layer 5 formed on a second surface (i.e., bottom of label base material 2 as shown in Fig. 3) which opposes the first surface of the label base material 2 and a non-adhesive masking layer formed in a central part of the adhesive layer (central part 6a as shown in Fig. 2), so that the adhesive layer 5 has a ring-shaped adhesive area, and formed at only a part of an edge of the adhesive area (end marginal part 6b as shown in Fig. 2) (claims 1 and 8, page 8, line 15 - page 9, line 3). As shown in Fig. 4, when the tack label 1 is stuck onto the surface of the bottle 7, the adhesive layer 5 is exposed in the shape of a ring along the entire circumference of the label. Therefore, the label can be stuck smoothly and easily without foreign substances, such as dust, entering between the bottle 7 and the tack label 1 because of the ring-shaped adhesive area (page 9, lines 4-18).

Furthermore, since one end marginal part 6b is on the surface of the adhesive layer 5, a non-adhering part (i.e., a grip part) for peeling is ensured between the tack label 1 and the surface of the bottle 7 when the tack label 1 is stuck onto the bottle 7 (page 9, lines 19-23). In addition, accidental peeling is avoided because the adhesive layer 5 is exposed without a break in the ring-shaped adhesive area along the entire circumference of the label (page 10, lines 5-9).

VI. GROUND OF REJECTION TO BE REVIEWED ON APPEAL

The following grounds of rejection are presented for review:

1) Claims 1, 2, 6-8 and 12 are rejected under 35 U.S.C. §103(a) over GB 2,259,291 (GB '291) in view of U.S. Patent No. 4,060,168 to Romagnoli and U.S. Patent No. 5,238,720 to Volkman.

2) Claims 1, 2, 6 and 8 are rejected under 35 U.S.C. §103(a) over U.S. Patent No. 4,444,839 to Dudzik et al. (Dudzik) in view of Romagnoli and Volkman.

Claims 7 and 12 are rejected under 35 U.S.C. §103(a) over Dudzik, in view of Romagnoli, Volkman and U.S. Patent No. 6,165,576 to Freedman et al. However, this ground of rejection is not being presented for separate review.

## VII. ARGUMENT

The Office Action rejects all of pending claims 1, 2, 6-8 and 12 under 35 U.S.C. §103(a) over GB 2,259,291 (GB '291) in view of U.S. Patent No. 4,060,168 to Romagnoli and U.S. Patent No. 5,238,720 to Volkman. The Office Action also rejects claims 1, 2, 6 and 8 under 35 U.S.C. §103(a) over U.S. Patent No. 4,444,839 to Dudzik et al. (Dudzik) in view of Romagnoli and Volkman. The Office Action fails to give proper consideration to the factual inquiries required in determining obviousness.

### A. Factual Inquiries to Determine Obviousness/Non-Obviousness

In rejecting claims under 35 U.S.C. §103, it is incumbent on the examiner to establish a factual basis to support the legal conclusion of obviousness. See, *In re Fine*, 837 F.2d 1071, 1073, 5 USPQ2d 1596, 1598 (Fed. Cir. 1988). In so doing, the examiner is expected to make the factual determinations set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 17, 148 USPQ 459, 467 (1966), and to provide a reason why one of ordinary skill in the pertinent art would have been led to modify the prior art or to combine prior art references to arrive at the claimed invention. Such reason must stem from some teaching, suggestion or implication in the prior art as a whole or knowledge generally available to one having ordinary skill in the art. *Uniroyal Inc. v. F-Wiley Corp.*, 837 F.2d 1044, 1051, 5 USPQ2d 1434, 1438 (Fed. Cir. 1988), *cert. denied*, 488 U.S. 825 (1988); *Ashland Oil, Inc. v. Delta Resins & Refractories, Inc.*, 776 F.2d 281, 293, 227 USPQ 657, 664 (Fed. Cir. 1985), *cert. denied*, 475 U.S. 1017 (1986); *ACS Hospital Systems, Inc. v. Montefiore Hospital*, 732 F.2d 1572, 1577, 221 USPQ 929, 933 (Fed. Cir. 1984). These showings by the examiner are an essential part of complying with the burden of presenting a *prima facie* case of obviousness. Note, *In re Oetiker*, 977 F.2d 1443, 1445, 24 USPQ2d 1443, 1444 (Fed. Cir. 1992).

The mere fact that the prior art may be modified in the manner suggested by the examiner does not make the modification obvious unless the prior art suggested the

desirability of the modification. *In re Fritch*, 972 F.2d 1260, 1266, 23 USPQ2d 1780, 1783-84 (Fed. Cir. 1992). To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be suggested or taught by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1970). All words in a claim must be considered in judging the patentability of that claim against the prior art. *In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970).

It is well settled that a rejection based on 35 U.S.C. §103 must rest on a factual basis, which the Patent and Trademark Office has the initial duty of supplying. *In re GPAC, Inc.*, 57 F.3d 1573, 1582, 35 USPQ2d 1116, 1123 (Fed. Cir. 1995). A showing of a suggestion, teaching, or motivation to combine the prior art references is an "essential evidentiary component of an obviousness holding." *C.R. Bard, Inc. v. M3 Sys. Inc.*, 157 F.3d 1340, 1352, 48 USPQ2d 1225, 1232 (Fed. Cir. 1998). This evidence may flow from the prior art references themselves, the knowledge of one of ordinary skill in the art, or, in some cases, from the nature of the problem to be solved. *See Pro-Mold & Tool Co. v. Great Lakes Plastics, Inc.*, 75 F.3d 1568, 1573, 37 USPQ2d 1626, 1630 (Fed. Cir. 1996). However, the suggestion more often comes from the teachings of the pertinent references. *See In re Rouffet*, 149 F.3d 1350, 1359, 47 USPQ2d 1453, 1459 (Fed. Cir. 1998). This showing must be clear and particular. Broad conclusory statements about the teaching of multiple references, standing alone, are not "evidence." *See Dembiczak*, 175 F.3d at 1000, 50 USPQ2d at 1617. However, the suggestion to combine need not be expressed and "may come from the prior art, as filtered through the knowledge of one skilled in the art." *Motorola, Inc. v. Interdigital Tech. Corp.*, 121 F.3d 1461, 1472, 43 USPQ2d 1481, 1489 (Fed. Cir. 1997).

It is impermissible for an examiner to engage in hindsight reconstruction of the claimed invention using appellant's structure as a template and selecting elements from references to fill the page. The references themselves must provide some teaching whereby

the appellant's combination would have been obvious. *In re Gorman*, 911 F.2d 982, 986, 18 USPQ2d 1885, 1888 (Fed. Cir, 1991). That is, something in the prior art as a whole must suggest the desirability, and thus obviousness, of making the combination. See, *In re Beattie*, 974 F.2d 1309, 1312, 24 USPQ2d 1040, 1042 (Fed. Cir. 1992); *Lindemann Maschinenfabrik GMBH v. American Hoist and Derrick Co.*, 730 F.2d 1452, 1462, 221 USPQ 481, 488 (Fed. Cir. 1984).

B. Claims 1, 2, 6-8 and 12 Would Not Have Been Obvious Over GB '291, Romagnoli and Volkman

Claims 1, 2, 6-8 and 12 are rejected under 35 U.S.C. §103(a) over GB '291 in view of Romagnoli and Volkman. However, the combination of GB '291, Romagnoli and Volkman would not have rendered obvious the claimed invention.

Page 3 of the After Final Rejection dated October 27, 2004 (i.e., the Office Action) admits that GB'291 fails to teach the use of a masking layer that is situated in the central region of an adhesive layer thereby forming a ring of adhesive about the masking layer, wherein a masking layer may also be placed on a portion of the edge of the adhesive layer. The Office Action then turns to Romagnoli, which the Office Action alleges suggests the non-adhesive masking layer of claims 1 and 8, and argues that it would have been obvious to use the non-adhesive layer with GB '291. The Office Action then uses Volkman to support the assertion that a masking layer formed at only a part of an edge of an adhesive area is known. The Office Action does not assert that Romagnoli or Volkman teach the adhesive layer of claims 1 and 8.

None of GB '291, Romagnoli or Volkman teaches or suggests a tack label that combines (1) an adhesive layer that comprises a hot-water soluble adhesive which is substantially insoluble in water at a normal temperature and readily soluble in hot water with (2) a non-adhesive masking layer formed in a central part of the adhesive layer, so that the

adhesive layer has a ring-shaped adhesive area, and a non-adhesive layer formed at only a part of an edge of the adhesive area. Accordingly, none of these references, whether taken singularly or in combination, would have led one of ordinary skill in the art to what is claimed.

1. GB '291 Does Not Teach or Suggest a Non-Adhesive Masking Layer

As acknowledged on page 3 of the Office Action, GB'291 fails to teach the use of a non-adhesive masking layer that is formed in either a central part of the adhesive layer or only at a part of an edge of an adhesive area, as recited in claims 1 and 8. Consequently, GB'291 fails to recognize any advantages associated with using such a non-adhesive layer. For example, a non-adhesive masking layer at a central part of the adhesive layer improves the peeling property of the label because hot water only has to reach the edges of the adhesive layer and not the entire adhesive layer. A non-adhesive masking layer at only an edge of an adhesive area further improves the peeling property of the label because a consumer can manually remove the label from a container. GB '291 fails to provide any teaching, motivation or suggestion with regard to using a non-adhesive masking layer.

GB'291 discloses a label 12 that normally remains on the container 10, but can be removed from a container 10 for reuse (page 1, lines 16-20). In order to achieve this objective, GB'291 uses a pressure sensitive adhesive 16 that is substantially insoluble in cold water and relatively soluble in hot water (page 2, lines 3-9). The adhesive 16 is pressure sensitive in order to easily apply the label 12 to the container 10.

GB'291 fails to provide any teaching, motivation or suggestion with regard to using a non-adhesive masking layer. GB'291 thus fails to identify any advantages associated with using a non-adhesive masking layer, e.g., in order to facilitate the recycling of the container 10. GB'291 consequently fails to provide any guidance (i.e., any need or suggestion) with regard to combining GB'291 with other references, including Romagnoli and Volkman, in

order to add a non-adhesive masking layer to the pressure sensitive adhesive 16 of GB'291. Hindsight reconstruction is thus required in order to add a non-adhesive masking layer to GB'291.

2. Romagnoli Does Not Remedy the Deficiencies of GB'291

a. Romagnoli does not teach or suggest the adhesive layer

Romagnoli fails to disclose or suggest an adhesive layer that comprises a hot-water soluble adhesive that is substantially insoluble in water at a normal temperature and readily soluble in hot water, as recited in claims 1 and 8.

Romagnoli fails to disclose or suggest the adhesive layer of claims 1 and 8 because Romagnoli only temporarily places the label on a container in order to print a message. Romagnoli does not use a hot-water soluble adhesive because Romagnoli intends to remove the label after printing a message and before the contents in the container are consumed. The purpose of Romagnoli's structure (temporary attachment in order to effect printing) is at odds with the purpose of GB'291's structure (to provide a label that remains adhered throughout consumption, and can only be removed after the contents in the container are consumed and the container is exposed to hot water). The labels are being used for two independent and contradictory purposes. There is thus no suggestion in Romagnoli to add a non-adhesive masking layer to GB'291 nor is there any motivation to use a hot-water soluble adhesive in Romagnoli.

Romagnoli discloses a label 16 and an opposed cut portion 22 that are affixed to a container 30 (col. 3, lines 8-10). As shown in Figs. 5 and 6, a central part of the label 16 is attached to the cut portion 22 via an adhesive material 14 on the label 16. An outer periphery of the adhesive material 14 thus secures the label 16 to the container 30. Upon removal of the label 16 from the container 30, the cut portion 22 also is removed and exposed. Any printed

message on the cut portion 22 remains in order to reveal a printed message on the container 30 (col. 3, lines 10-19).

It is thus not the intent of Romagnoli to provide a hot-water soluble adhesive for recycling as in GB'291 because Romagnoli only uses an adhesive material 14 on the label 16 in order to affix a printed message. There is thus no motivation for Romagnoli to use an adhesive layer that is substantially insoluble in water at a normal temperature and readily soluble in hot water.

Romagnoli also fails to identify the advantage of using the cut portion 22 at a central part of the adhesive material 14 in order to improve the peeling property of the label 16 because Romagnoli is only using the cut portion to print a message on the container 30. There is thus no motivation to use the cut portion 22 of Romagnoli in GB'291.

- b. Romagnoli does not teach or suggest forming a non-adhesive masking layer at only a part of an edge of an adhesive area

Romagnoli also fails to overcome the deficiencies of GB '291 because Romagnoli fails to provide a non-adhesive masking layer at only a part of an edge of the adhesive area.

Fig. 7 of Romagnoli discloses a label 16 that "may include" cut portions 22 and 23 (col. 3, lines 20-31). Cut portion 22 "may include" a projecting section 32 that extends beyond the edge of the label 16. Thus, Romagnoli fails to disclose a non-adhesive masking layer or a cut portion at only a part of an edge of the adhesive area.

Pages 3 and 9 of the Office Action assert that the phrase "may include" is inclusive of embodiments that do and do not comprise a projecting section 32. The Office Action concludes by stating that Romagnoli thus discloses a masking layer formed at only a part of the adhesive material 14. This is not correct because hindsight reasoning is being used to suggest such a non-existent feature in Romagnoli. The mere fact that the prior art may be modified in the

manner suggested by the Office Action does not make the modification obvious unless the prior art suggests the modification. Romagnoli fails to provide such a suggestion.

Romagnoli only discloses two embodiments. The embodiment of Figs. 1-6 and the alternative embodiment of col. 3, lines 20-38 and Fig. 7. Nowhere in the alternative embodiment of Fig. 7 is it described that the cut portion 22 does not include a projecting section 32. It is respectfully submitted that the use of the phrase "may include" only implies that the label 16 either includes the cut portion 22 and the projecting section 32, or does not include the cut portion 22 and the projecting section 32.

In summary, Romagnoli is directed to a label 16 that is removed from the container 30 before the contents of the container 30 are consumed. Romagnoli fails to provide any motivation with regard to providing a cut portion 22 that does not include a projecting section 32. Romagnoli fails to provide any motivation because the label 16 is removed before the contents in the container 30 are consumed. In other words, is not necessary for Romagnoli to provide a cut portion 22 that is only at a part of an edge of the adhesive material 14. Romagnoli also fails to identify any advantages associated with removing a label 16 during recycling by providing a non-adhesive masking layer as recited in claims 1 and 8. Hindsight reconstruction is relied upon by the Office Action to reach its conclusion to provide a cut portion 22 at only a part of an edge of the adhesive material 14.

3. Volkman Does Not Remedy the Deficiencies of GB'291 and Romagnoli

a. Volkman does not teach or suggest the adhesive layer

Volkman also fails to disclose or suggest an adhesive layer that comprises a hot-water soluble adhesive that is substantially insoluble in water at a normal temperature and readily soluble in hot water, as recited in claims 1 and 8.

Volkman fails to disclose the adhesive layer of claims 1 and 8 because Volkman fails to disclose how the label 10 is removed from the bottle 11. The objective of Volkman is to

provide a two-ply type label which can be molded into a blow-molded container using standard blow molding and in-molding labeling equipment (col. 1, lines 42-46). The label 10 has a base sheet 18 that is secured to the sidewall 13 of the bottle 10, and a removable top layer 17 (col. 2, lines 50-52). A selected area 17a of the top layer 17 is not adhered to the base sheet 18. A portion 17b is thus used to form a tab for the convenient removal of the top layer 17 from the base sheet 18 (col. 4, lines 57-66).

Volkman does not disclose or suggest using a hot-water soluble adhesive because it is not the intent of Volkman to remove the base sheet 18 of the label 10 from the bottle 11. There is thus no motivation to look to Volkman in order to add the portion 17b to GB'291 or Romagnoli.

Volkman also fails to identify any advantage of using a non-adhesive masking layer at only a part of an edge of the adhesive layer, as recited in claims 1 and 8, because the label 10 is not removed from the bottle 11 in Volkman. There is thus no motivation to use the portion 17b or the top layer 17 of Volkman in either GB'291 or Romagnoli.

b. Volkman does not teach or suggest forming a non-adhesive masking layer in a central part of an adhesive layer

Volkman fails to provide a non-adhesive masking layer at a central part of an adhesive layer, as recited in claims 1 and 8. Volkman only discloses a selected area 17a of the top layer 17 that is not adhered to the base sheet 18 (Col. 4, lines 58-63). Volkman fails to provide any motivation with regard to using a second selected area 17a.

4. Conclusion

As discussed above, the subject matters of claims 1, 2, 6-8 and 12 would not have been rendered obvious by the cited references. Appellants respectfully request that the rejection be reversed.

C. Claims 1, 2, 6 and 8 Would Not Have Been Obvious  
Over Dudzik, Romagnoli and Volkman

Claims 1, 2, 6 and 8 are rejected under 35 U.S.C. §103(a) over Dudzik in view of Romagnoli and Volkman. However, the combination of Dudzik, Romagnoli and Volkman would not have rendered these claims obvious.

Similar to GB'291, the Office Action acknowledges that although Dudzik discloses a covering layer 3, Dudzik fails to disclose the covering layer 3 to be cut such that a portion of the covering layer 3 remains on a central or outside portions of the adhesive layer 2 when applying the label to the bottle. The Office Action then again turns to Romagnoli and Volkman to attempt to overcome the deficiencies of Dudzik.

None of Dudzik, Romagnoli or Volkman teaches or suggests a tack label that combines (1) an adhesive layer that comprises a hot-water soluble adhesive which is substantially insoluble in water at a normal temperature and readily soluble in hot water with (2) a non-adhesive masking layer formed in a central part of the adhesive layer, so that the adhesive layer has a ring-shaped adhesive area, and a non-adhesive layer formed at only a part of an edge of the adhesive area. Accordingly, none of these references, whether taken singularly or in combination, would have led one of ordinary skill in the art to what is claimed.

1. Dudzik Does Not Teach or Suggest a Non-Adhesive Masking Layer

As acknowledged on page 5 of the Office Action, Dudzik fails to teach the use of a non-adhesive masking layer that is formed in either a central part of the adhesive layer or only at a part of an edge of an adhesive area. Consequently, Dudzik fails to identify any advantages associated with using such a non-adhesive layer. As discussed above, for example, a non-adhesive masking layer at a central part of the adhesive area improves the peeling property of the label because hot water only has to reach the edges of the adhesive layer and not the entire adhesive layer. A non-adhesive masking layer at only an edge of an

adhesive layer further improves the peeling property of the label because a consumer can manually remove the label from a container. Dudzik thus fails to provide any teaching, motivation or suggestion with regard to using the non-adhesive masking layer of claims 1 and 8.

Dudzik discloses a label with an adhesive layer 2 that is protected by a covering layer 3. For reasons similar to GB'291, Dudzik provides the adhesive layer in order to facilitate recycling. Although Dudzik discloses a covering layer 3, the covering layer 3 is removed so that the label can adhere to a container. In other words, Dudzik fails to provide any teaching, motivation or suggestion with regard to using a non-adhesive masking layer that remains in place when the label is placed on a container. Dudzik thus fails to identify any advantages associated with using such a non-adhesive masking layer, e.g., in order to facilitate the recycling of the container. Dudzik consequently fails to provide any guidance with regard to combining Dudzik with other references, including Romagnoli and Volkman, in order to add a non-adhesive masking layer to the adhesive layer 2 of Dudzik. Hindsight reconstruction is thus required in order to add a non-adhesive masking layer to Dudzik when the label is placed on the container. In other words, Dudzik fails to provide any teaching, motivation or suggestion with regard to using a non-adhesive masking layer when the label is placed on the container.

2. Romagnoli and Volkman Do Not Remedy the Deficiencies of Dudzik

For the same reasons discussed in section VII.B.2 and VII.B.3., Romagnoli and Volkman fail to remedy the deficiencies of Dudzik. As such, the same reasoning that applies as to why it would not have been obvious to combine GB'291 with Romagnoli and Volkman in disclosing or suggesting all of the features recited in claims 1 and 8, also applies as to why it would not have been obvious to combine Dudzik with Romagnoli and Volkman.

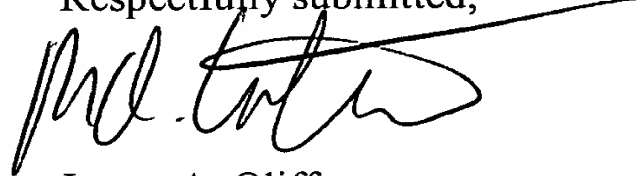
3. Conclusion

As discussed above, the subject matter of claims 1, 2, 6 and 8 would not have been rendered obvious by the cited references. For this additional reason, Appellants respectfully request that the rejection be reversed.

VIII. CONCLUSION

For all of the reasons discussed above, it is respectfully submitted that the rejections are in error and that claims 1, 2, 6-8 and 12 are in condition for allowance. For all of the above reasons, Appellants respectfully request this Honorable Board to reverse the rejections of claims 1, 2, 6-8 and 12.

Respectfully submitted,



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CLAIMS APPENDIX

## CLAIMS INVOLVED IN THE APPEAL:

1. A tack label comprising a label base material, a printing layer formed on a first surface of the label base material, an adhesive layer formed on a second surface which opposes the first surface of the label base material, wherein said adhesive layer comprises a hot water-soluble adhesive which is substantially insoluble in water at a normal temperature and readily soluble in hot water, and a non-adhesive masking layer formed in a central part of the adhesive layer, so that the adhesive layer has a ring-shaped adhesive area, and formed at only a part of an edge of said adhesive area.
2. The tack label according to claim 1, wherein said adhesive layer comprises an acrylic water-soluble adhesive.
6. The tack label according to claim 1, wherein a surface area of said masking layer is 5 - 90% of that of said adhesive layer.
7. The tack label according to claim 1, wherein said label base material comprises a material whose specific gravity is less than one.
8. A plastic container with a tack label stuck on a container body, wherein said tack label comprises a label base material, a printing layer formed on a first surface of the label base material, an adhesive layer formed on a second surface which opposes the first surface of the label base material for adhering the tack label on the surface of the container body, said adhesive layer comprises a hot water-soluble adhesive having a property which is substantially insoluble in water at a normal temperature and readily soluble in hot water, whereby said tack label is easy to peel from the container body under an environment with hot water while difficult to peel from a container body under a processing environment with the normal temperature water and a non-adhesive masking layer formed in a central part of the

adhesive layer, so that the adhesive layer has a ring-shaped adhesive area, and formed at only a part of an edge of said adhesive area.

12. The plastic container according to claim 8, wherein the label base material of said tack label comprises a material whose specific gravity is less than one.